

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

Jacob Scarberry,	)	
	)	
Plaintiff,	)	<b>ORDER (AMENDED)</b>
	)	
vs.	)	
	)	
Justin Lenoir, Brian Clouston, David	)	
Lawrence, and Frank Landeis,	)	Case No.: 1:18-cv-199
	)	
Defendants.	)	

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The plaintiff, Jacob Scarberry, was incarcerated at the Heart of America Correctional and Treatment Center at the time he initiated the above-entitled action *pro se* and in *forma pauperis*. (Doc. Nos. 1-5). It appears that he has since been release and is presently residing in Washburn, North Dakota. (Doc. No. 15).

Since Scarberry was incarcerated at the time he initiated this action, the Court screened his Complaint pursuant to 28 U.S.C. § 1915A. On January 10, 2019, the Court issued an order to (1) show cause why his claims against Chief Lawrence and Sheriff Landeis should not be dismissed, or (2) file an Amended Complaint describing in greater detail the incident giving rise to his claims as well as any claimed basis for holding Chief Lawrence and Sheriff Landeis liable.

To date Scarberry has neither shown cause why he should be permitted to proceed against Chief Lawrence or Sheriff Landeis nor filed an Amended Complaint as directed. Thus, for the reasons articulated by the Court in its January 10, 2019, order, Scarberry's claims against Chief Lawrence and Sheriff Landeis are **DISMISSED** with prejudice.

Scarberry will be permitted to proceed with his claims against BIA Officers Lenoir and Clouston. Accordingly, the Court, without passing on the merits, **ORDERS** BIA Officers Lenoir

and Clouston to file answers or otherwise respond to Scarberry's Complaint. The Clerk's office shall effectuate service of the summons and Complaint upon BIA Officers Lenoir and Clouston in accordance with Rule 4 of the Federal Rules of Civil Procedure and, if necessary, that the service be made by the United States Marshals Service.

Dated this 21st day of March, 2019.

/s/ Clare Hochhalter  
Clare R.Hochalter, Magistrate Judge  
United States District Court